

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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IN RE: HARLEY-DAVIDSON AFTERMARKET  
PARTS MARKETING, SALES PRACTICES,  
AND ANTITRUST LITIGATION

Case No. 23-MD-3064  
Honorable William C. Griesbach

This document relates to:  
All Cases

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**STIPULATION REGARDING  
FILING FOR NON-TRANSFERRED ACTIONS,  
WAIVER OF SERVICE OF SUMMONS,  
DISMISSAL OF CERTAIN CASES, AND  
DISMISSAL OF HARLEY-DAVIDSON, INC.**

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Whereas, in seeking judicial efficiency and to avoid unnecessary briefing, Plaintiffs and Defendants, by and through their respective counsel, jointly stipulate to the following:

1. Plaintiffs Gary Chelenyak, Aaron Harris, Richard Hawkins, Thomas Navarette, Debra Plinck, and Vincent Romeo are deemed to have filed the Consolidated Class Action Complaint (Dkt. No. 33) in the U.S. District Court for the Eastern District of Wisconsin, which shall be deemed separately docketed, assigned to this Court pursuant to Civ. L.R. 3(c)(4), and a constituent action in Case No. 23-md-3064.
2. Defendant Harley-Davidson Motor Company Group LLC agrees to waive service of the summons in this action issued by the appropriate court in satisfaction of Fed. R. Civ. P. 4(d) for the following Plaintiffs:
  - a. Gary Chelenyak, Aaron Harris, Richard Hawkins, Thomas Navarette, Debra Plinck, and Vincent Romeo (E.D. Wis.)
  - b. Robert Assise and Jacqueline Assise (N.D. Ill. Case No. 22-cv-06068; E.D. Wis. Case No. 23-cv-177)
  - c. Curtis Perry (D. Minn. Case No. 22-cv-02920; E.D. Wis. Case No. 23-cv-179)

3. Defendant Harley-Davidson Motor Company, Inc. agrees to waive service of the summons issued in this action by the appropriate court in satisfaction of Fed. R. Civ. P. 4(d) for the following Plaintiffs:
  - a. Gary Chelenyak, Aaron Harris, Richard Hawkins, Thomas Navarette, Debra Plinck, and Vincent Romeo (E.D. Wis.)
  - b. Robert Assise and Jacqueline Assise (N.D. Ill. Case No. 22-cv-06068; E.D. Wis. Case No. 23-cv-177)
  - c. Curtis Perry (D. Minn Case No. 22-cv-02920; E.D. Wis. Case No. 23-cv-179)
  - d. Rita Weaver (N.D.N.Y. No. 22-cv-1142; E.D. Wis. Case No. 23-cv-180)
  - e. James Billings (D. Mass. Case No. 22-cv-11747; E.D. Wis. Case No. 23-cv-178)
  - f. Edward Heymer (C.D. Cal. Case No. 22-cv-02085; E.D. Wis. Case No. 23-cv-175)
  - g. Vladimir Lipkin and Anzhela Demkiv (N.D. Ill. Case No. 23-cv-00413; E.D. Wis. Case No. 23-cv-228)
4. Plaintiffs and Defendants stipulate and agree that the agreement to this Stipulation shall not constitute a waiver of (a) any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, (b) any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure, or (c) any other statutory or common law defenses that may be available to Defendants. Defendants expressly reserve their rights to raise any such defenses (or any other defense).
5. The following actions and/or plaintiffs are dismissed, pursuant to Fed. R. Civ. P. 41(a), without prejudice and with each side bearing its own fees and costs:
  - a. Hunter Gingras and Achilles Kouskoutis (E.D. Wis.)

- b. *Jerome Wagner v. Harley-Davidson Motor Company Group, LLC* (D. Ariz. Case No. 22-cv-01912; E.D. Wis. Case No. 23-cv-174)
- c. *Scott Hutley v. Harley-Davidson Motor Company Group, LLC* (W.D.N.Y. Case No. 22-cv-0902; E.D. Wis. Case No. 23-cv-181)
6. Harley-Davidson Inc. is dismissed from all cases within Case No. 23-md-3064, including N.D. Ill. Case No. 22-cv00608 and E.D. Wisc. Case No. 23-cv-177, without prejudice and with each side bearing its own fees and costs.

DATED this 15th day of September, 2023.

WOLF HALDENSTEIN ADLER FREEMAN &  
HERZ LLP

By: /s/ Thomas H. Burt  
Thomas H. Burt  
270 Madison Ave.  
New York, NY 10016  
Telephone: (212) 545-4669  
Burt@whafh.Com

*Lead Counsel for Plaintiffs*

ADEMI LLP

Shpetim Ademi  
3620 E Layton Ave.  
Cudahy, WI 53110  
Telephone: (414) 482-8001  
Sademi@ademilaw.Com

*Local Counsel for Plaintiffs*

DYKEMA GOSSETT PLLC

By: /s/ Howard B. Iwrey  
Howard B. Iwrey  
Paul L. Nystrom  
39577 Woodward Avenue, Suite 300  
Bloomfield Hills, MI 48304  
Telephone: (248) 203-0700  
hiwrey@dykema.com  
pnystrom@dykema.com

John M. Thomas  
2723 South State Street  
Suite 400  
Ann Arbor, MI 48104  
Telephone: (734) 214-7660  
jthomas@dykema.com

*Attorneys for Defendants*